



UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**  
100 F. Street N.E.  
Washington, D.C. 20549

February 11, 2019

Via ECF and Fax to Chambers

The Honorable Debra Freeman  
United States Magistrate Judge  
U.S. District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**Re: *SEC v. Rio Tinto, et al.*, No. 1:17-cv-07994 (AT) (DCF)**  
**Joint Status Report**

Dear Judge Freeman:

Plaintiff Securities and Exchange Commission (“SEC”) respectfully submits this joint status report on behalf of all parties pursuant to the Court’s Order Entering Partial Stay, issued on January 16, 2019. [ECF No. 129]

***Status of Discovery***

The SEC resumed normal operations on January 28, 2019, and the parties have conferred twice since then regarding the status of discovery. As the SEC noted in its Unopposed Letter Motion for Partial Stay (January 10, 2019) [ECF No. 128], ten depositions have already been taken in this case, six of them outside the United States. Approximately thirteen depositions remain to be taken, nine of them outside the United States. The overseas depositions are of non-party witnesses who are outside the control of the parties. Most of these witnesses have agreed to appear voluntarily. Two depositions have been ordered pursuant to requests for international judicial assistance, and are being scheduled by the relevant foreign courts. Seven depositions have been scheduled, beginning on February 20 in Montana, and February 21-22 and February 26-27 in Australia. The parties are working to schedule the remainder. Almost all of these depositions are being sought by all parties. Document discovery is substantially complete.

The SEC staff were generally unable to work on this matter during the shutdown, which caused the cancellation of both individual defendants’ depositions. As a result of the SEC shutdown, the SEC requests an extension of the deadline for fact discovery from March 29, 2019 to April 29, 2019, an extension equivalent to the length of the shutdown. Defendants do not object. There are no other deadlines in this case and there have been no prior extensions. Both individual defendants have requested rescheduled deposition dates in April, which this extension would accommodate. Given the extensive travel required for the remaining depositions, it would

Hon. Debra Freeman  
*SEC v. Rio Tinto*  
No. 1:17-cv-07994(AT) (DCF)  
Page 2

be highly difficult to complete them under the current discovery deadline. This could prejudice all parties, as most witnesses reside outside the United States and their depositions are being sought for potential use as trial testimony.

Respectfully submitted,

/s/ Tom Bednar  
Thomas A. Bednar  
Assistant Chief Litigation Counsel  
Securities & Exchange Commission  
(202) 551-6218  
bednart@sec.gov  
Counsel for Plaintiff

cc: Counsel for Defendants